

No. 802, dated Bombay, the 22nd April 1915.

From—T. W. Birkett, Esq., Chairman, Bombay Chamber of Commerce;

To—The Secretary to the Government of India, Department of Commerce and Industry.

I have the honour to address you on the subject of the issue of Notifications prohibiting exports from India.

2. As you are no doubt aware, my Committee discussed this matter with the Hon'ble Mr. Clark on his recent visit to Bombay, and I am now desired by my Committee to submit for the consideration of Government the following proposals with a view to arriving at some arrangement whereby the hardships devolving on merchants owing to prohibitions of exports may be minimised.

3. In the first place my Committee realise that it is impossible either for this Chamber or for the individual merchants, or probably for the Collectors of Customs, to know what latitude Government can allow in each case. In fact, it is obvious that the Government of India alone can determine on what date and in what manner each Notification must come into force and how it must be applied.

4. On the other hand, when Government issue a Notification they are probably in a position to know what latitude can be granted, and my Committee would therefore submit that Government should draw out a scale in which the various degrees of urgency are classed under separate clauses in the manner suggested below. This scale could be communicated to the Collectors and the clause applying could be notified to them in each particular case when the Notification is issued.

5. In this connection my Committee would suggest that a scale of somewhat the following nature be prepared:—

- (a) In cases where Government can give no latitude, Collectors should receive notice that all shipments should be stopped and cargo loaded in steamers in port should be unloaded.
- (b) Where Government can only give the minimum amount of latitude, Collectors should receive notice that all cargo actually loaded should be allowed to go forward.
- (c) Collectors should receive notice to accept all cargo that has been shipped and is alongside steamers awaiting shipment.
- (d) Collectors should receive notice to accept all cargoes for which Customs passes have been taken out (provided the manner of taking out Customs passes in other parts is the same as in Bombay).
- (e) Collectors should receive notice that not only cargo that has been loaded or is alongside the steamers awaiting shipment or for which Customs passes have been obtained should be accepted but that all forward contracts, that are proved to the satisfaction of Collectors to have been made prior to the issue of the Notification, may be completed.

6. My Committee have reason to believe that Collectors of Customs could control the arrangement under clause (c) of the above through the Port Trustees at each port, who could inform them as to what cargo was alongside and awaiting shipment and who would be prepared to take instructions to receive nothing further on to the wharf or in the sheds.

7. With regard to clause (d), if the custom of export passes that obtains in Bombay is not the same in other ports, my Committee have no doubt that arrangements could be made suitable to each port.

8. My Committee are not in favour of giving Collectors of Customs discretion as to how the Notification should be applied, as many merchants ship from several ports, and if such discretion were more liberally applied at one port than at another my Committee are of opinion it might lead to representations and comparisons which it is desirable to avoid.

9. With regard to the suggestion put forward on the occasion of the recent meeting with the Hon'ble Mr. Clark, that before sending out a Notification Government should consult the Collectors at the various ports as to the most suitable date on which the Notification should take effect and that the latest date sent in be taken, my Committee are afraid that if this were done advantage might be taken to ship cargo not previously intended for shipment, for, as Government are aware, Bombay merchants generally enter into freight contracts which allow them the option of shipping cotton, wheat or seeds, etc.

10. My Committee trust that the above proposal will be favourably considered by Government, and that some scheme of the nature suggested may be brought into force at an early date.

Copy of remarks, dated 29th April 1915, made by the Collector of Customs, Bombay.

The Chairman of the Chamber of Commerce consulted me unofficially with regard to his suggestions, which, I think, are fairly suitable for adoption in the event of the Government of India finding it possible to discriminate between urgent and less urgent Notifications.

As regards scale "D," there would be no difficulty in Bombay in applying this scale with the co-operation of the Bombay Port Trust, whose officials are responsible for seeing that cargo entering the docks is covered by the Customs shipping bills. It is just possible that the suggestion might be found difficult to apply at other ports. The suggestion was made in Calcutta a few years ago that certain classes of goods should be allowed to be shipped in anticipation of the presentation of the Customs shipping bills, the shipping bills to be taken out within five days of the departure of the vessel. Even if these proposals were sanctioned, it is possible, however, that they have not been introduced in view of the war and of the necessity of exercising control over exports.

As regards scale "E," I may observe that the frequent application of this scale would throw a considerable amount of extra work on the Customs House in verifying exporters' statements as to their forward contracts. I should, therefore, like to see this scale applied very sparingly.

As regards paragraph 9 of the Chamber's letter, I may say that in two or three instances already the Government of India have adopted the suggestion of calling on Collectors at the various ports to report the most suitable date in their opinion for giving effect to a contemplated Notification. I do not know whether the procedure has been found to act very satisfactorily. But the Government of India have perhaps already had sufficient experience to decide whether to continue the practice or not. The procedure is open to the same objection from the Customs point of view as scale "E," viz., that it throws on the Customs Department additional work in ascertaining the commitments of intending shippers. In the case of some commodities, this work would be trifling, as regular shippers would be very few in number. But in the case of other commodities there may be a large number of regular shippers who would have to be addressed to ascertain their intended shipments. There is, moreover, no guarantee that regular shippers only have made commitments; and it would be difficult, if not impossible, for the Custom House to get into communication with all sundry exporters. A further objection is that the fact that enquiries as to commitments are being made is probably a sufficient indication to the trade that a prohibition on export is under the consideration of Government.

No. 1052, dated Bombay, the 24th May 1915.

From—N. Wilkinson, Esq., Acting Secretary, Bombay Chamber of Commerce,

To—The Secretary to the Government of India, Department of Commerce and Industry.

I have the honour to address you under instructions from my Committee on the subject of the issue of executive orders prohibiting or restricting exports of certain commodities from British India.

2. My Committee would respectfully submit that considerable uncertainty and confusion is likely to arise from the present method of issuing such orders. Thus in the recent case of the S. S. "Jeddah," these difficulties were very acutely felt. Although doubtless actual shippers of cotton by this steamer were notified immediately by the Collector of Customs or by the agent of the steamer, the matter was one of great importance to a large section of the Bombay commercial community, by whom the exact scope and meaning of the orders could not at once be ascertained.

3. This being so, I am to enquire whether it would not be possible for Government in future to advise this Chamber, simultaneously with the Collector of Customs in this port, of the general terms of any executive orders prohibiting or restricting exports from British India that may from time to time be issued.

No. 8977-W., dated Simla, the 15th June 1915.

From—S. H. Slater, Esq., I. C. S., Under Secretary to the Government of India,

Department of Commerce and Industry,

To—The Chairman, Chamber of Commerce, Bombay.

Your letter No. 802, dated the 22nd April last, and Mr. Wilkinson's letter of the 24th May, No. 1052, on the subject of the inconvenience caused to the commercial community by the present mode of issuing and enforcing notifications and orders restricting export, have received the careful consideration of the Government of India, who have for some time been endeavouring to devise means of working export prohibitions with the minimum of inconvenience to the mercantile community.

2. The suggestions contained in your letter of the 22nd April rest upon the assumption that the Government of India are in a position to say what degree of urgency should be ascribed to each of the various prohibitions. This, however, is seldom the case. The Government of India act upon instructions received from the Secretary of State, who in turn is guided by the recommendation of the Restriction Committee, whose views on each particular case are not invariably communicated to the Government of India, and are seldom received before the prohibition has to be put in force. Some cases may be manifestly and notoriously of special urgency, as, for instance, that of cotton, of which the Government of India, had information that large quantities destined for Germany and Austria were lying on the wharves of ports in Italy.

As a general rule, however, it is necessary, for practical purposes, to regard all prohibitory orders as of equal urgency.

3. For this reason, therefore, and on account of the variations in practice at the different ports in India, it appears impossible to adopt the somewhat elaborate system described in your letter.

4. Mr. Wilkinson's letter of the 24th May has been understood as referring to the same subject. It should be explained, however, that prohibitions and restrictions are almost invariably imposed by statutory notification, not by executive order. Where the statutory notification is absolute and no discretion is allowed, the intention of the Government of India to introduce it is communicated confidentially to the Collector, in order to fix a date which will be least inconvenient to all concerned. To communicate in the same way with the Chamber would defeat the object in view, which is to choose a time when there are as few commitments as possible outstanding. When the date has once been fixed, the Government of India have no objection to communicating it at once to the Chamber: indeed, it is always publicly notified. If, however, the letter refers to cases where discretion is given to the Collector, in accordance with certain instructions conveyed to him, to admit exceptions to a statutory Notification, I am to explain that the object of allowing the Collector a wide discretion is to mitigate possible cases of hardship to the commercial community which an undue rigidity of orders might tend to produce. It would obviously, the Chamber will perhaps admit, be impossible to communicate discretionary instructions of the above nature simultaneously to the Collector and the Chamber, as it might lead the latter to question the Collector's discretion, a position which would hardly tend to smoothness of working. The Government must leave the interpretation and execution of their orders to the unfettered discretion of Collectors, who have instructions, however, to intimate at once to those concerned the general purport of the orders under which they are acting.

5. I am to add that the Hon'ble Sir William Clark will be visiting Bombay about the 24th of this month, and will be glad to discuss the matter with the Chamber, if they so desire.

No. 8978.

A copy is forwarded to the Government of Bombay, for information, with reference to the Hon'ble Mr. Carmichael's letter No. 5069, dated the 6th May 1915.

No. 6918—San. 12-15-81, dated 15th March 1916.

In continuation of Government Notification No. 9660—San. 91-12-4, dated 7th June 1915, it is hereby declared that under clause 1 of Section 2 of Regulation I of 1906, vaccination shall be compulsory for a further period of three years from 1st July 1916, in the local area within the control of the Mysore City Municipal Council.

No. 7273—San. 17-15-84, dated 29th March 1916.

It is hereby notified for general information that pilgrimage to the festival noted below has been prohibited by the Madras Government:—

Name of festival or fair	Place	Taluk	District	Period of restriction		Reference
				From	To	
Car festival of Betal Venkataramanaswami	Denkanikote	Hosur	Salem	28th March to 17th April 1916, inclusive.		Memo. No. 352, dated 21st March 1916, from the First Assistant to the Hon'ble the Resident in Mysore.

By Order,
D. M. NARASINGA RAO,
Secretary to Government,
General Department.